Docket No: P 2000, 0167 US

COMBINED DECLARATION AND POWER OF ATTORNEY IN C-I-P APPLICATION

As a below named inventor, I hereby declare that: my post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Memory Cell, Memory Cell Configuration and Fabrication Method

described and claimed in the foregoing specification; that this application in part discloses and claims subject matter disclosed in my earlier filed application No. 09/900,654, filed July 6, 2001; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that, as to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application under 37 C.F.R. 1.56(a); and that no application for patent or inventor's certificate of this invention has been filed earlier than the following in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns:

Country: Federal Republic of Germany, Application No. 100 39 441.8, filed August 11, 2000, the International Priority of which is claimed under 35 U.S.C. 119;

and in such other countries where applications may have been filed subsequently to the filing of said German application; the priority of said German application being hereby specifically claimed by me; that, as to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or sale in the United States of America more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate issued in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information which is material to the examination of this application of which I am aware or became aware between the filing date of the prior application and the filing date of the continuation-in-part application under 37 CFR 1.56(a); that I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in the declaration; and that no application for patent or inventor's certificate on said invention has been filed by me or my representatives or assigns in any country foreign to the United States of America, except as follows:

NONE

And I hereby appoint HERBERT L. LERNER (Reg. No. 20,435), LAURENCE A. GREENBERG (Reg. No. 29,308), WERNER H. STEMER (Reg. No. 34,956) and RALPH E. LOCHER (Reg. No. 41,947) of P.O. Box 2480, Hollywood, Florida 33022-2480, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF FIRST INVENTOR: HERBERT PALM

INVENTOR'S SIGNATURE: ______________________________

DATE: ______________________

Residence: HOEHENKIRCHEN, GERMANY

Country of Citizenship: GERMANY

Post Office Address:
RIESCHBOGEN 45
85635 HOEHENKIRCHEN
GERMANY

FULL NAME OF SECOND JOINT INVENTOR: JOSEF WILLER

INVENTOR'S SIGNATURE: ______________________________

DATE: ______________________

Residence: RIEMERLING, GERMANY

Country of Citizenship: GERMANY

Post Office Address: FRIEDRICH-FROEBEL-STRASSE 62
85521 RIEMERLING
GERMANY

FULL NAME OF THIRD JOINT INVENTOR: ACHIM GRATZ

INVENTOR'S SIGNATURE: ______________________________

DATE: ______________________

Residence: STEINBACH-HALLENBERG, GERMANY

Country of Citizenship: GERMANY

Post Office Address: HAUPTSTRASSE 2
98587 STEINBACH-HALLENBERG
GERMANY

FULL NAME OF FOURTH JOINT INVENTOR: JAKOB KRIZ

INVENTOR'S SIGNATURE: ______________________________

DATE: ______________________

Residence: DRESDEN, GERMANY

Country of Citizenship: GERMANY

Post Office Address: FOERSTEREISTRASSE 3
01099 DRESDEN
GERMANY

09927573.080901